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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/105,844	06/26/1998	USHA UPADHYAYULA	INTL-0055(P5	6060

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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/105,844

Applicant(s)

UPADHYAYULA ET AL.

Examiner

Haythim J. Alaubaidi

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 30-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-29 are presented for examination.

***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-29, are drawn to a method, program and a system for image storage and profile information, classified in class 707, subclass 104.1.
  - II. Claims 30-36, are drawn to a camera and article, classified in class 348, subclass 209.

Newly submitted claims 30-36, directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as the image profiles and profile storage. See MPEP § 806.05(d).

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as the camera and article. See MPEP § 806.05(d).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 30-36, are withdrawn from consideration

as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-14 and 16-20, are rejected under 35 U.S.C. 102(e) as being anticipated by Hiroyuki Sakuyama et al. (U.S. Patent No. 6,226,011 and Sakuyama hereinafter).

4. Regarding Claims 1, 7 and 8, Sakuyama teaches receiving a graphical object having associated profile information (Abstract, i.e. image information includes an instruction; see also Col 3, Lines 11-12, i.e. by using the attribute information of each object; see also Col 7, Lines 1-3, i.e. graphic image; see also Col 34, Lines 5-11) generating a profile based on the associated profile information (Fig 5, Element 503-506; see also Fig 8, Element 22 based on Element 21; see also Col 16, Lines 26-28, i.e. generates data to be sent to a color output apparatus in accordance with the attribute

information; see also Col 23, Line 67 through Col 24, Lines 1-4)<sup>1</sup> identifying the profile to a color management system (Fig 1; see also Col 9, Lines 9-18; see also Fig 10, Element 92, i.e. CMM).

5. Regarding Claims 2 and 10, Sakuyama teaches storing a portion of the associated profile information in a profile file (Col 19, Lines 14-21; see also Col 19, Lines 57-61) associating a filename with the profile; and (Col 19, Lines 45-47) communicating the filename to the color management system (Col 22, Lines 39-40, i.e. the name of a DLL file called by a drawing module).

6. Regarding Claim 3, Sakuyama teaches storing a value representative of a color relation between an input color space and a profile color space (Col 3, Lines 19-16; see also Col 11, Lines 4-10; see also Col 12, Lines 43-52).

7. Regarding Claims 4 and 16, Sakuyama teaches illuminant tag value (Fig 22, Rendering View, Brightness option; see also Col 7, Lines 4-10, i.e. intensity or brightness; see also Col 7, Lines 49-52).

8. Regarding Claims 5 and 17, Sakuyama teaches mediaWhitePointTag value (Col 7, Lines 14-17; see also Col 11, Lines 38-41, i.e. from green to white).

9. Regarding Claim 6, Sakuyama teaches redColorantTag value and a greenColorantTag value and a blueColorantTag value (Col 11, Lines 4-7; see also Col 14, Lines 48-61).

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<sup>1</sup>Please note that the examiner is interpreting the provision of "Command" in this case to be the same as the provision of "profile" as they both include instructions on how to convert colors {see instant application, Page -1-, Lines 13-14, i.e. a device profile is...}.

10. Regarding Claim 9, the limitations of this claim has been noted in the rejected claim number 2 above. In addition Sakuyama teaches remove the associated profile information from the graphical object to generate a second graphical object (Col 5, Lines 62-65).

11. Regarding Claims 11 and 12, Sakuyama teaches application program and instructions to communicate the graphical object to the color management system (Col 4, Lines 4-11, i.e. including an operating system or an application program; see also i.e. to perform a process instructed by the first command...).

12. Regarding Claims 13, Sakuyama teaches application (Col 8, Lines 28-31).

13. Regarding Claims 14, Sakuyama teaches a computer system having a bus (Col 33, Lines 39-40, i.e. these unites are interconnected by a bus line; see also Col 34, Lines 59-63) a device, operatively coupled to the bus, to capture a graphical object (Col 34, Lines 64-65) the graphical object having a profile information portion and a data portion (Col 34, Lines 66-67 through Col 35, Lines 1-2, i.e. include the attribute information...) and a generator, operatively coupled to the device, to generate a profile based on the profile information portion (Col 35, Lines 14-16, i.e. adding attribute information).

14. Regarding Claims 18, Sakuyama teaches a measurement tag attribute value (Fig 21, Half Tone View, i.e. number of screen lines, see also screen angle).

15. Regarding Claims 19, Sakuyama teaches a circuit, operatively coupled to the generator (Fig 32; see also Col 10, Lines 50-54, i.e. which is connected via a local line or a network line).

16. Regarding claim 20, the limitations of this claim are similar in scope to the rejected claims 11 and 13, above. It is therefore rejected as set forth above.

***Allowable Subject Matter***

17. The indicated allowability of claims 22-29 are withdrawn in view of the newly discovered reference(s) to Sakuyama. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakuyama, and further in view of Carl Douglas Hayes, Jr. et al. (U.S. Patent No. 6,283,858 and Hayes hereinafter).

20. Regarding Claim 15, Sakuyama does not explicitly indicate a device such as a digital camera, even though the reference does in fact talk about different devices (Col 1, Line 31). However Hayes teaches a device such as a digital camera (Col 3, Lines 62-67).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teaching of Sakuyama with the teachings of Hayes to include a device such as a digital camera with the motivation to generate images with such details just as in real life (Hayes, Col 5, Lines 25-29).

21. Regarding Claim 21, Sakuyama does not explicitly indicate a second circuit, operatively coupled to the device. However Hayes teaches a circuit, operatively coupled to the device (Col 3, Lines 66-67 through Col 4, Line 1).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teaching of Sakuyama with the teachings of Hayes to include a circuit, operatively coupled to the device with the motivation to link and process the photographs or the physical images into data received by the computer (Hayes, Col 4, Lines 2-3).

22. Claims 22-29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopher J. Edge (U.S. Patent No. 6,088,038 and Edge hereinafter) and further in view of Sakuyama.

23. Regarding Claim 22, Edge teaches comparing at least a portion of the profile information to at least a portion of a prior received profile information (Col 5, Lines 12-24; see also Col 10, Lines 27-33).

Edge does not explicitly indicate receiving a graphical object having a profile information part and a data part. However Sakuyama teaches receiving a graphical object having a profile information part (Abstract, i.e. image information includes an



instruction; see also Col 3, Lines 11-12, i.e. by using the attribute information of each object; see also Col 7, Lines 1-3, i.e. graphic image; see also Col 34, Lines 5-11) and a data part (Col 11, Lines 4-5).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teaching of Edge with the teachings of Sakuyama to include a graphical object with the motivation to convert graphical object colors to different output apparatuses (Sakuyama, Abstract).

24. Regarding Claim 23 and 24, Edge teaches the current profile information part comprises at least a portion of the profile information (Col 3, Lines 64-67 through Col 4, Lines 1-3; see also Col 12, Lines 51-59, i.e. For example, N device profiles can be concatenated using a single device profile link).

25. Regarding Claim 25, Edge teaches illuminant tag value (Col 4, Lines 62-65).

26. Regarding Claim 26, Edge teaches media WhitePointTag (Col 4, Lines 51-57; see also Col 6, Line 56).

27. Regarding Claim 27, Sakuyama teaches viewingConditionsTag (Fig 21, the RESOLUTION (R) Field; see also the OTHERS View in the same Fig, showing the "Negative Image Print" and the "Mirror Image Print").

28. Regarding claim 28, the limitations of this claim are similar in scope to the rejected claims 1 and 2, above. They are therefore rejected as set forth above.

29. Regarding Claim 29, Edge teaches identifying the profile to the color management system comprises notifying the color management system through an application programming interface call (Col 5, Lines 45-61, i.e. software program, and

can be configured for a variety of applications...through... The color management system 200 receives user preferences; see also Col 6, Lines 4-9).

***Response to Amendment***

30. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

***Other Prior Art Made of Record***

31. A. Balonon-Rosen et al. (US Patent No. 6307961) discloses a user-interactive corrective tuning of color profiles;

B. Hayes, Jr. et al. (US Patent No. 6283858) discloses a method for manipulating images;

C. Ohta et al. (US Patent No. 6268930) discloses a system for judging whether color data is within a gamut of an output device;

D. Kohtani et al. (US Patent No. 6236464) discloses an image forming system and control method therefore;

E. Sakuyama et al. (US Patent No. 6226011) discloses a color conversion method for a color matching, a method for expanding a function of a program module and a color conversion method using the method for expanding a function of a program module; and

F. Edge et al. (US Patent No. 6088038) discloses an arrangement for mapping colors between imaging systems and method therefore.

***Conclusion***

32. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

***Points of Contact***

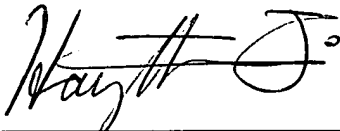
33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our phone number (703) 746-7416.

For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.



Haythim J. Alaubaidi  
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March 29, 2002



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